

18285. Adulteration of butter. U. S. v. 38 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26370. I. S. No. 29325. S. No. 4492.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by act of Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 38 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Riceville Creamery Co., of Riceville, Iowa, through the Farmers Creamery Co., from Cresco, Iowa, arriving at New York on or about March 17, 1931, and had been transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as provided by act of March 4, 1923.

On March 23, 1931, E. Guy Buck, having appeared as agent for William Kestner, Riceville, Iowa, claimant, and said claimant having admitted the allegations of the libel, consented to the entry of a decree, and agreed to recondition the product so that it contain at least 80 per cent of milk fat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,100, conditioned in part that it be reworked and reprocessed so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18286. Adulteration and misbranding of butter. U. S. v. 50 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26374. I. S. Nos. 29311, 29318. S. No. 4497.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by act of Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Southern Dairies (Inc.), Knoxville, Tenn., to New York, N. Y., arriving on or about March 11, 1931, and had been transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Salt Butter."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was labeled butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On March 30, 1931, a claim for the property having been interposed by Alex Grossmann & Co. (Inc.), as agent for the Southern Dairies (Inc.), Washington, D. C., and said claimant having admitted the allegations of the libel, having consented to the entry of a decree, and having agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,800, conditioned in part that it be reworked and reprocessed so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18287. Adulteration of chestnuts. U. S. v. 10 Kegs of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25539. I. S. No. 14538. S. No. 3810.)

Samples of chestnuts from the shipment herein described having been found to be moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On or about January 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 kegs of chestnuts, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Franklin Produce Co., from New York, N. Y., on or about November 26, 1930, and had been transported from the State of New York into the State of Florida, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18288. Misbranding of oleomargarine. U. S. v. 43 Cases of Oleomargarine. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26082. I. S. Nos. 21802, 21803, 21804. S. No. 4354.)

Samples of oleomargarine labeled 1 pound or 2 pounds, as the case might be, taken from the shipment herein described, having been found to be short of the said declared weights, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On March 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 43 cases of oleomargarine, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped by Armour & Co., from Kansas City, Mo., on or about March 14, 1931, and had been transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended. The article consisted of three different lots labeled in part, variously: (Retail package) "2 Lbs. Net Weight Oleomargarine-Armour & Co., U. S. Inspected and Passed by Dept. of Agriculture;" "1 Lb. Net Weight BIC-Nut Brand Vegetable Oleomargarine Armour and Company;" or "Silver Nut Oleomargarine 1 Lb. Net Weight * * * Armour & Co."

It was alleged in the libel that the article was short weight and was misbranded in that the statements on the labels, "1 lb. Net Weight" and "2 Lbs. Net Weight," were false and misleading and deceived and misled the purchaser when applied to the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were not correct.

On or about April 15, 1931, Armour & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be made to comply with the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18289. Adulteration and misbranding of canned grapefruit juice. U. S. v. 397 Cases of Canned Grapefruit Juice, et al. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 25964, 26041. I. S. Nos. 21958, 21997, 21998. S. Nos. 4221, 4336.)

Examination of samples of canned grapefruit juice from the shipments herein described having shown that the article contained added sugar, and that the cans contained less than the volume declared on the labels, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On February 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, and on March 10, 1931, an amended libel, praying seizure and condemnation of 397 cases of canned grapefruit juice. On March 18, 1931, libel proceedings were instituted by the United States attorney against an additional 402 cases of the same product. The libels alleged that the article had been shipped by the Orlando Canning Co. (Inc.), of Orlando, Fla., in part from Jacksonville, Fla., on or about January 21, 1931, and in part from Orlando, Fla., on or about January 29,